

AUSTIN R. GIBBONS, ESQ. SBN 034619
 SEAN C. CONLEY, ESQ. SBN 130814
 GIBBONS & CONLEY
 1333 North California Boulevard, Suite 110
 Walnut Creek, CA 94596
 Telephone: (925) 932-3600 Fax: (925) 932-1623

Attorneys for Defendant City of Richmond (also
 sued herein as Richmond Police Department)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERARDO RODRIQUEZ,)	CASE NO. C05-03865 MHP
)	
Plaintiff,)	STIPULATED REQUEST FOR
)	MODIFICATION OF THE CASE
v.)	MANAGEMENT ORDER
)	
CITY OF RICHMOND; CITY OF)	
RICHMOND POLICE)	
DEPARTMENT; OFFICER GARD;)	
OFFICER WILLIAM CANTRELL;)	
OFFICER FUNK; OFFICER)	
FILIPPI; OFFICER R. THOMAS;)	
OFFICER MOODY; SGT. S.)	
PICKETT; DOES 1 THROUGH 50,)	
)	
Defendants.)	

The parties to this action hereby stipulate to, and request, a modification of the February 8, 2006 Case Management Conference Order as follows:

The trial in this matter is currently scheduled for March 27, 2007. The defense counsel has a trial scheduled for this *same date* in U.S. District Court for the Eastern District of California, in Sacramento, namely *Gregson v. Manteca*, civil case number S-04-873 WBS GGH. As the *Gregson* matter is the earlier filed case,

1 we ask that the Court continue the trial date in this case for 30 days as the same
2 defense counsel in the present case will also be trying the *Gregson* matter.

3 Plaintiff's attorney will be out of the country for the month of January, 2007.
4 Plaintiff's attorney is in discovery presently in a case in Federal Court in Fresno,
5 *Galvan v. Modesto Police Department*, case number CV-F-05-0986 AWILJO. In
6 that case we have a non-expert discovery cut off of February 28, 2007.

7 Because of this and other pending matters, including difficulty the parties
8 have experienced in locating some of the witnesses, the parties also request that all
9 of the currently scheduled pending dates in this action be continued to correspond
10 to the new trial date.

11 The current scheduling order calls for expert disclosure on November 15,
12 2006, but disclosure of expert witness' reports on December 8, 2006. The parties
13 request that the disclosure of expert witnesses be consolidated with the date of the
14 disclosure of expert witness' reports under the new schedule.

15 The parties therefore request the following revised scheduled dates:

16 Disclosure of all witnesses, including expert
17 witnesses, and expert reports. February 16, 2007

18 Completion of discovery. March 16, 2007

19 Last day to hear dispositive motions. April 16, 2007

20 Deadline for joint pretrial conference statement and
21 proposed pretrial order under Civil Local Rule 16-
22 9(b), compliance with Local Rule 16-8(b)(7)-(10)
23 and such other matters as required by the judge. May 2, 2007

24 Last date for objections to exhibits under Local
Rule 16-8(b)(11). May 10, 2007

1 Pretrial conference.

May 11, 2007

2 Trial.

June 1, 2007

3
4 Finally, at the initial pretrial conference, the Court indicated that intended to
5 bifurcate the *Monell* claim from the underlying Fourth Amendment claim.
6 However, the Court did not indicate in its order whether this bifurcation was
7 intended to apply to discovery in this matter. The parties request a clarification of
8 this issue as they complete the scheduled discovery in this case.

9 Dated:

GIBBONS & CONLEY

10
11 By: Sean C. Conley /s/

AUSTIN R. GIBBONS

SEAN C. CONLEY

12 Attorneys for Defendant City of Richmond
13 (also sued herein as Richmond Police
14 Department)

15 Dated: Nov. 9, 2006

16 By: Walter Riley/s/

17 WALTER RILEY

Attorney for Plaintiff Gerardo Rodriquez

18
19 **ORDER MODIFYING CASE MANAGEMENT CONFERENCE ORDER**

20 The Court, having considered the stipulation of the parties, and good cause
21 appearing, orders as follows:

22 The February 8, 2006 Case Management Conference Order in this matter is
23 modified as follows:

Disclosure of all witnesses, including expert witnesses, and expert reports.	February 16, 2007
Completion of discovery.	March 16, 2007
Last day to hear dispositive motions.	April 16, 2007
Deadline for joint pretrial conference statement and proposed pretrial order under Civil Local Rule 16-9(b), compliance with Local Rule 16-8(b)(7)-(10) and such other matters as required by the judge.	May 2, 2007
Last date for objections to exhibits under Local Rule 16-8(b)(11).	May 10, 2007
Pretrial conference.	05/16/07 May 11, 2007
Trial.	06/05/07 June 1, 2007

With respect to the *Monell* claim by Plaintiff in this matter, the Court orders as follows: ~~[The parties shall complete all discovery, including *Monell* claims, within the time period set forth above.]~~ [The *Monell* claim is bifurcated from the underlying Fourth Amendment claim, and discovery shall only be conducted on the Fourth Amendment claim at this time.]

Dated: 11/24/6

By:

MARILYN
United States

